

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG

2006 OCT 19 P 1:33

Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCUMENT CONTROL

OCT-19 2006

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
ENERGY WEST, INC. AND SEMSTREAM
ARIZONA PROPANE, L.L.C. FOR APPROVAL
OF THE TRANSFER OF ENERGY WEST'S
ASSETS TO SEMSTREAM.

DOCKET NO. G-20471A-06-0515
DOCKET NO. G-02696A-06-0515

PROCEDURAL ORDER

BY THE COMMISSION:

On August 11, 2006, Energy West, Inc. ("Energy West") and SemStream Arizona Propane, L.L.C. ("SemStream") (collectively, "Applicants") jointly filed with the Arizona Corporation Commission ("Commission") an application for approval of the transfer and sale of Energy West's assets to SemStream and to transfer Energy West's Certificate of Convenience and Necessity ("CC&Ns") to SemStream.

On September 29, 2006, Applicants filed direct testimony in support of the application.

On October 16, 2006, the Commission's Utilities Division Staff ("Staff") filed letters informing Applicants that the application is administratively complete. Accordingly, the Commission now issues this Procedural Order pursuant to A.A.C. R14-3-101 et seq. to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above-captioned matter shall commence on **January 11, 2007, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before December 1, 2006.

IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or before December 7, 2006.

IT IS FURTHER ORDERED that the Applicants shall provide public notice of the hearing in this matter, in the following form and style, with the heading in no less than 12 pt. type and the body

1 in no less than 10 pt. type:

2 **PUBLIC NOTICE OF HEARING ON THE JOINT APPLICATION**
 3 **OF ENERGY WEST, INC. AND SEMSTREAM ARIZONA**
 4 **PROPANE, L.L.C. FOR APPROVAL OF THE TRANSFER OF**
 5 **ENERGY WEST'S ASSETS AND CERTIFICATE OF CONVENIENCE AND NECESSITY**
 6 **TO SEMSTREAM.**
 7 **DOCKET NOS. G-20471A-06-0515 AND G-02696A-06-0515**

8 On August 11, 2006, Energy West, Inc. and SemStream Arizona Propane, L.L.C.
 9 (collectively, "Applicants") jointly filed with the Arizona Corporation Commission
 10 ("Commission") an application to transfer Energy West's Certificate of Convenience
 11 and Necessity ("CC&N") and assets to SemStream Arizona Propane, L.L.C. If the
 12 Commission approves the application, SemStream Arizona Propane, L.L.C. will be
 13 certificated as a provider of propane gas utility service to the area currently served by
 14 Energy West, Inc., and will be required by the Commission to provide service under
 15 rates and charges and terms and conditions established by the Commission. The
 16 application is available for inspection during regular business hours at the offices of
 17 Applicants, [insert addresses] and the Commission's offices at 1200 West
 18 Washington, Phoenix, Arizona, for public inspection during regular business hours
 19 and on the internet via the Commission website (www.azcc.gov) using the e-docket
 20 function.

21 The Commission will hold a hearing on this matter beginning **January 11, 2007 at 10:00**
 22 **a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public
 23 comment will be taken at the commencement of the hearing. Written public comments may
 24 be submitted via email (see <http://www.azcc.gov/utility/cons/index.htm> for instructions), or
 25 by mailing a letter referencing Docket Numbers G-20471A-06-0515 and G-02696A-06-0515
 26 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington,
 27 Phoenix, AZ 85007.

28 The law provides for an open public hearing at which, under appropriate circumstances,
 interested persons may intervene in the proceedings and participate as a party. You may have
 the right to intervene in the proceeding. Intervention shall be in accordance with A.A.C. R14-
 3-405, except that all motions to intervene must be filed on or before **December 1, 2006**. If
 you wish to intervene you must file a written motion to intervene with the Commission and
 send a copy of the motion to Applicants or their counsel and to all parties of record. The
 motion shall, at the minimum, contain the following:

1. Your name, address, and telephone number and the name, address and
 telephone number any party upon whom service of documents is to be made if
 different from the intervenor.
2. A short statement of your interest in the proceeding (e.g., a customer or
 potential customer of Applicants, a shareholder of Applicants, etc.).
3. A statement certifying that you have mailed a copy of the motion to intervene
 to Applicants or their counsel and to all parties of record in the case.

The granting of intervention, among other things, entitles a party to present sworn evidence at
 the hearing and to cross-examine other witnesses. However, failure to intervene will not
preclude any interested person or entity from appearing at the hearing and providing public
comment on the application. You will not receive any further notice of this proceeding unless

1 you request it.

2 The Commission does not discriminate on the basis of disability in admission to its
3 public meetings. Persons with a disability may request a reasonable accommodation
4 such as a sign language interpreter, as well as request this document in an alternative
5 format, by contacting the ADA Coordinator Linda Hogan, E-mail lhogan@azcc.gov,
6 voice phone number 602/542-3931. Requests should be made as early as possible to
7 allow time to arrange the accommodation.

8 IT IS FURTHER ORDERED that Applicants shall cause a copy of the above notice to be
9 published in a newspaper of general circulation in the affected area by November 10, 2006.

10 IT IS FURTHER ORDERED that Energy West, Inc. shall mail to its customers a copy of the
11 above notice by November 10, 2006.

12 IT IS FURTHER ORDERED that Applicants shall file certification of mailing and
13 publication as soon as practicable after the mailing and publication have been completed, but not later
14 than November 17, 2006.

15 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
16 publication of same, notwithstanding the failure of an individual to read or receive the notice.

17 IT IS FURTHER ORDERED that the Commission's Utilities Division Staff shall file a Staff
18 Report on the application on or before **December 14, 2006**.

19 IT IS FURTHER ORDERED that the Applicants and intervenors shall file written objections
20 to the Staff Report by **January 4, 2007**.

21 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
22 Communications) applies to this proceeding as the matter is now set for public hearing.

23 IT IS FURTHER ORDERED that all parties must comply with Rule 33(c) and (d) of the
24 Rules of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

25 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
26 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 19th day of October, 2006.


TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 19th day of October, 2006 to:

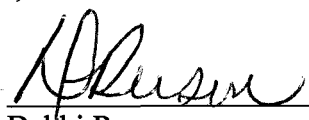
Michael M. Grant
GALLAGHER & KENNEDY, PA
2575 E. Camelback Road
Phoenix, Arizona 85016-9225
Attorneys for Energy West, Inc.

Kevin D. Quigley
One Renaissance Square
Two North Central Avenue
Phoenix, Arizona 85004-2391
Attorneys for SemStream Arizona Propane, L.L.C.

Christopher K. Kempley
Legal Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007

Ernest G. Johnson
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1103

By: 
Debbi Person
Secretary to Teena Wolfe